

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BUSINESS LENDERS, L.L.C.,	*
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Plaintiff/Counterdefendant	*
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	*
v.	* Civil No. PJM 03-3228
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	*
YUN HAI LEE,	*
	*
	*
Defendant/Counterplaintiff	*

MEMORANDUM OPINION

On November 11, 2003, Business Lenders, L.L.C. filed a Complaint for Confession of Judgment and Replevin in this Court against Yun Hai Lee. On April 20, 2004, the Court signed an Order of Judgment in favor of Business Lenders, L.L.C. and against Lee in the amount of \$751,400.49 including interest and late charges and other costs as of October 31, 2003, plus attorneys' fees of \$112,710.07, plus interest at the per diem rate of \$135.93 from October 31, 2003 until the date of Judgment, plus costs of suit. The Judgment became final 30 days after the date of its entry. *See Fed. R. App. P. 4(a)(1).* In the interim, no Motion to Open, Modify, or Vacate the Judgment was filed to challenge the Court's Order.

Lee concedes that he received notice of the Judgment on or about June 22, 2004. Despite the fact that extensive pleadings were filed thereafter, resulting in the eventual dismissal of all claims except Lee's counterclaim against Business Lenders, L.L.C. relative to the issue of attorneys fees, Lee has yet to file a Motion to Open, Modify, or Vacate the Judgment. In any event, such a Motion would be well out of time.

The significance, as Business Lenders, L.L.C. points out in its Motion for Summary Judgment, is that res judicata bars Lee from raising any challenge to the Court's Final Order of Judgment, including its grant of attorneys fees, and no legal basis exists to reopen the Judgment at this time.

Accordingly, Business Lenders, L.L.C.'s Motion for Summary Judgment, insofar as Lee's Counterclaim relative to attorneys fees is concerned, is GRANTED (and is otherwise MOOT). The Court DISMISSES Lee's Counterclaim against Business Lenders, L.L.C. WITH PREJUDICE.

A separate Order will ISSUE.

October 27, 2005

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE